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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/779,046
Filing Date: February 07, 2001
Appellant(s): DONG ET AL.

Dong et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/7/06 appealing from the Office action mailed 7/25/05

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

.(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6603488	Humpelman	8-2003
6300947	Kanevsky	9-2001
6631351	Ramachandran	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 9, 10, 29 and 31-34, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (US 6,603,488).

As per claim 1, Humpleman et al. teaches a method comprising:

determining an identification corresponding to a device, wherein the device is coupled to a home network; and

loading a user interface found at a remote source wherein the user interface corresponds to the identification of the device and the remote source is coupled to a remote network to provide the user interface to a plurality of different home networks (col. 2, lines 42-68).

As per claim 3, Humpleman et al. teaches the method of claim 1, further comprising:

remotely searching for a user interface corresponding to the identification (col. 15, lines 35-44, col. 16, lines 44-53).

As per claim 4. Humpleman et al. teaches the method of claim 1, wherein the remote source includes the World Wide Web (col. 5, lines 48-65).

As per claim 5, Humpleman et al. teaches the method of claim 1, wherein the loading is performed if a the user interface corresponding to the identification is not found by searching the home network (col. 8, lines 22-45).

As per claim 6. Humpleman et al. teaches the method of claim 5, wherein searching the home network includes searching the storage medium of a controller (col. 8, lines 22-45).

As per claim 9, Humpleman et al. teaches method of claim 1, wherein the user interface is loaded on a controller (fig. 10, items 706).

As per claim 10, Humpleman et al. teaches the method of claim 1, wherein the user interface controls the device (fig. 10, item 706) operation.

As per claim 29, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 31, which is dependent on claim 29, it is of same scope as claim 2. (see rejection above)

As per claim 32, which is dependent on claim 29, it is of same scope as claim 4. (see rejection above)

As per claim 33, which is dependent on claim 29, it is of same scope as claim 5. (see rejection above)

As per claim 34, Humpleman teaches the computer-readable medium of claim 33, wherein locally searching includes searching the storage medium of a controller (col. 8, lines 22-45).

As per claim 37, which is dependent on claim 29, it is of same scope as claim 9. (see rejection above).

As per claim 38, which is dependent on claim 29, it is of same scope as claim 10. (see rejection above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US 6,603,488) in view of Kanevsky (US 6,309,947)

As per claim 7, Humpleman et al. teaches the method of claim 3, further comprising:

However, Humpleman et al. fails of teach

loading a basic operative user interface if the user interface corresponding to the identification is not found at the remote source.

Kanevsky teaches loading a basic operative user interface if the user interface corresponding to the identification is not found at the remote source (col. 9, lines 18-29)

It would have been obvious to an artisan at the time of the invention to include Kanevsky's teaching with Humpleman et al.'s method in order to provide a workable module for the devices that are without a custom module.

As per claim 8, Humpleman et al. teaches the method of claim 7, wherein the basic operative user interface is modifiable through user input (col. 18, lines 38-68, col. 19, lines 1-8).

As per claim 11, it is rejected with the same rationale as claim 7 (see rejection above)

As per claim 13, Humpleman et al. and Kanevsky teach the method of claim 11. Humpleman et al. further teaches searching a home network for a particular user interface; and

searching a network, remote from the the home network, for a particular user interface if the particular user interface is not found by searching the home network.

As per claim 14, Humpleman et al. and Kanevsky teach the method of claim 13. Humpleman et al. further teaches wherein locally searching includes searching a storage medium of a controller (col. 8, lines 22-45).

As per claim 15, Humpleman et al. and Kanevsky teach the method of claim 13. Humpleman et al. further teaches remotely searching includes search the World Wide Web (col. 5, lines 48-65).

As per claim 16, which is dependent on claim 11, it is of the same scope as claim 8. (see rejection above).

As per claim 17, Humpleman et al. and Kanevsky teach the method of claim 11. Humpleman et al. further teaches wherein the user interface is loaded on a controller (fig. 10, item 706).

As per claim 18, Humpleman et al. and Kanevsky teach the method of claim 11. Humpleman et al. further teaches wherein the user interface controls the device operation. (fig. 10, item 706).

As per claim 19, it is rejection with same rationale as claim 11, (see rejection above)

As per claim 20, which is dependent on claim 19, it is of the same scope as claim 13. (see rejection above).

As per claim 21, which is dependent on claim 19, it is of the same scope as claim 14. (see rejection above).

As per claim 22, Humpleman et al. and Kanevsky teach the method of claim 19, Humpleman further teaches the device controller of claim 19, wherein the first communication medium is an IEEE 1394 protocol compliant (col. 5, lines 54-65).

As per claim 23, Humpleman et al. and Kanevsky teach the device controller of claim 20, Humpleman further teaches wherein searching the remote network includes searching across the first communication medium (col. 8, lines 22-45, Examiner interprets the attached server to be first communication medium)

As per claim 24, Humpleman et al. and Kanevsky teach the device controller of claim 23, Humpleman et al. further teaches wherein the first communication medium the World Wide Web (Fig. 3B).

As per claim 25, Humpleman et al. and Kanevsky teach the device controller of claim 20, Humpleman et al. further teaches wherein the storage medium is selected from the group consisting of memory and storage devices (col. 8, lines 22-45, It is inherent for the information regarding the devices to be stored on the storage devices).

As per claim 27, Humpleman et al. and Kanevsky teach the device controller of claim 19, Humpleman et al. further teaches a library of customizing tools for a user to modify the basic user interface prior to the loading on the device controller (Fig. 11, item "preferences").

As per claim 28, which is dependent on claim 19, it is of the same scope as claim 9. (see rejection above).

As per claim 35, which is dependent on claim 29, it is of same scope as claim 7. (see rejection above).

As per claim 36, which is dependent on claim 29, it is of same scope as claim 8. (see rejection above).

Claims 2 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US 6,603,488) in view of Ramachandran et al. (US 6,631,351)

As per claim 2, Humpleman et al. teaches the method of claim 1. However, Humpleman fails to teach wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).

Ramachandran et al. teaches teach wherein the identification is selected from the group consisting of global unique identification (GUID) (col. 16, lines 1-3) and unit information (UINFO) (col. 9, line 48-51).

It would have been obvious to an artisan at the time of the invention to include Ramachandran et al.'s teaching with Humpleman et al.'s method in order to simplify system device identification process.

As per claim 30, which is dependent on claim 29, it is of the same scope as claim 2. (see rejection above)

Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US 6,603,488) and Kanevsky (US 6,309,947) further in view of Ramachandran et al. (US 6,631,351)

As per claim 12, Humpleman and Kanevsky teach the method of claim 11. However, they fail to teach wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).

Ramachandran et al. teaches teach wherein the identification is selected from the group consisting of global unique identification (GUID) (col. 16, lines 1-3) and unit information (UINFO) (col. 9, line 48-51).

It would have been obvious to an artisan at the time of the invention to include Ramachandran et al.'s teaching with method of Humpleman and Kanevsky in order to simplify system device identification process.

As per claim 26, which is dependent on claim 19, it is of the same scope as claim 12. (see rejection above)

(10) Response to Argument:

1) Humpleman does not teach or suggest loading a device user interface from a remote source, and the remote source is coupled to a remote network so as to provide the device user interface to a number of different home networks. Furthermore, Humpleman does not teach or suggest a remote source providing the device user interface to a number of different home

networks. Finally, appellant argued that the Internet proxy is part of the home network and is not a remote network source.

2) Humpleman and Kanevsky fail to teach loading a basic operative user interface for the device if a particular user interface is not found.

3) There is no motivation to combine Humpleman's teaching with method of Ramachandran.

4) There is no motivation to combine methods of Humpleman, Ramachandra, and Kanevsky together.

Examiner disagrees.

1) An internet server or an internet proxy server is not a part of a home network because internet servers are controlled by a network provider, while a home network is implemented on the server that is controlled by a client. In order for a home network to connect to the Internet, the client server must first connect to a network provider, who will provide Internet access based on its discretion. Therefore the Internet is a remote network source.

Humpleman teaches loading a device user interface from a remote source because it allows users to control their home network devices from a remote location through the Internet. (column 20, lines 63-column21, lines 23) All the home devices such as the TV, Computer, Satellite, are connected to the home network. (figure 4B, column 15, lines 35-63) In order for the user to control, the home devices, from a computer that is not within the home network (for example a computer at work), the computer and the home network must both be connected to an Internet provider. (column 2, lines 1-24) The external computer (a computer at work) is a remote source to home network because the Internet provider, who is a 3rd party, controls their

connection. Furthermore, the user updates and changes the interfaces of the devices that are on the home network from a remote source, the computer at work. (Column 9, lines 50-70) Therefore, the examiner has established by the standard of preponderance of evidence that Humpleman teaches loading a device user interface from a remote source.

Furthermore, Humpleman teaches providing interfaces to multiple home networks because users can change and update devices' interface for multiple home networks from one remote location. (Column 9, lines 50-70)

2) Kanevsky teaches this limitation because Kanevsky first search for the optimal web interface for the device, (column 9, lines 18-28) and if the optimal match is not found, Kanevsky would provide user with a default interface. (column 9, lines 30-46; "adaptation module" is a default interface) Web interface is a operative user interface, because web interface allows users to operate the display of the web displaying device.

3) In response to applicant's argument that there is no suggestion to combine the references of Humpleman and Ramachandran, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Humpleman and Ramachandran teach allowing a home device or a toy to communicate with another device. For Humpleman, the home device would communicate with the computer that is on the home network. (Humpleman, figure 4B, column 15, lines 35-63) For Ramachandran, the toy would

communicate with another toy. (Ramachandran column 5, lines 5-20) Difference between Humpleman and Ramachandran is that Humpleman would have identified the device by its manufacture and its model, (Humpleman column 3, lines 5-24); while Ramachandran would identified the device by its global unique identification (GUID) (Ramachandran col. 16, lines 1-3); and its unit information (UINFO) (Ramachandran col. 9, line 48-51). It would have been obvious to combine Ramachandran's teaching with method of Humpleman because the recipients of device GUID and UINFO can customize its interactions with the device at a more unique level than a common model of manufacture. (Ramachandran, column 2, lines 8-20) GUID and UINFO allow the recipients to interact with the device based on its unique context and characteristics. (Ramachandran, column 2, lines 8-20)

4) In response to appellant's argument that there is no suggestion to combine the references of Humpleman, Kanevsky, and Ramachandran, the examiner's reasoning is the same as the reasoning that it would have been obvious to combine Humpleman and Ramachandran. (See above)

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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